Convention on the Rights of Persons with Disabilities

Distr.: General
17 October 2018

Original: English
Arabic, English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Iraq*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on any plans to ratify the Optional Protocol to the Convention.

2. Please update the Committee on any plans to explicitly prohibit disability-based discrimination in the State party's Constitution. Please provide information on any measures taken to reflect the human rights model, including the concept of reasonable accommodation, in the legislation of the State party (CRPD/C/IRQ/1, paras. 32–33).[1]

3. Please clarify whether the Convention can be directly invoked in court proceedings.

4. Please inform the Committee on the measures taken to ensure a disability assessment method that fully incorporates the human rights model of disability and takes a human rights-based approach and explain how organizations of persons with disabilities are effectively involved in this regard.

5. Please provide information on whether there are any plans to conduct an analysis of national legislation with a view to bringing it fully into accordance with the Convention. In particular, please explain any plans to repeal or amend provisions in national legislation that discriminate on the basis of impairment and to amend the Care of Persons with Disabilities and Special Needs Act No. 38 of 2013.

6. Please provide information on the number of organizations of persons with disabilities, including organizations of women and girls with disabilities, the support they receive from the State party and how they are involved in the implementation of the Convention and whether they were involved in the preparation of the initial report.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

7. Please explain the measures taken by the State party to align the provisions of the Civil Code (Act No. 40 of 1951) on the legal capacity of persons with intellectual or psychosocial disabilities (arts. 94–95 and 107–108) with the provisions of the Convention.

* Adopted by the Committee at its twentieth session (27 August–21 September 2018).

[1] Unless otherwise noted, all references to paragraphs refer to the initial report of the State party (CRPD/C/IRQ/1).

8. Please provide information on the number of cases in which persons with disabilities who were subjected to discrimination sought legal remedies (para. 39) and the outcomes of those proceedings.

Women with disabilities (art. 6)

9. Please indicate:

(a) How disability is mainstreamed in gender equality legislation and policy, such as in the current review of legislation by the sectoral committee chaired by the Minister of State for Women's Affairs (para. 209) and national strategies to empower women and combat gender-based violence in order to change the current perception of women with disabilities in society;

(b) The measures taken to mainstream gender equality into disability-specific legislation and policy;

(c) How intersectional discrimination of women and girls with disabilities is considered in legislation.

10. Please provide more information on any plans to empower women with disabilities in the health, education, employment and rehabilitation sectors, including women with disabilities living in rural areas, women who are internally displaced, refugees or migrants, or women with disabilities of ethnic, religious or linguistic minorities, including women of nomadic tribes with disabilities.

Children with disabilities (art. 7)

11. Please provide information on the progress made by the State party in drafting the child protection bill (para. 212) and ensuring that it is in accordance with the Convention. Please explain, in particular, how the bill ensures the full inclusion of children with disabilities in society, the development of individualized support services in local communities, inclusive education, support for families with children with disabilities, protection against neglect and abuse, and clear prospects for their adult life.

Awareness-raising (art. 8)

12. Please explain how persons with disabilities, through their representative organizations, were involved in the design, execution, evaluation and monitoring of awareness-raising programmes (paras. 44–46), including women and children with disabilities. Please also provide updated information on measures to combat stereotypes, prejudices and harmful practices against persons with disabilities in all areas of life.

Accessibility (art. 9)

13. Please indicate if private entities offering goods and services to the public are obliged to adhere to the accessibility standards that were established by the General Secretariat of the Council of Ministers (para. 49) and which steps the State party has taken to bring these standards into line with the Convention. Please provide information on the progress made by the State party in establishing complaint procedures and monitoring mechanisms, with penalties for non-compliance with article 9 of the Convention, including any potential cases of non-compliance with Council of Ministers decision No. 10 of 2012, which allows persons with disabilities to import cars tax-free.

14. Please elaborate on the measures that have been taken to provide access to information and to new information and communications technology and systems to persons with disabilities, including the availability of materials produced in Braille, Easy Read, audio and electronic and other accessible formats.

15. Please provide information on how accessibility standards and universal design are incorporated into the post-conflict reconstruction of the State party.

Situations of risk and humanitarian emergencies (art. 11)

16. Please explain in which way early warning systems and public warnings are made accessible to persons with disabilities, including through the use of sign language, Easy Read, Braille, audio description, captioning and tactile communication.

17. Please provide updated information on the situation of internally displaced persons, migrants and refugees with disabilities in the State party, including particularly women and children with disabilities.

Equal recognition before the law (art. 12)

18. With reference to the Committee's general comment No. 1 (2014) on equal recognition before the law, please provide information on the State party's efforts to bring the provisions of the Civil Code into line with the provisions of article 12 of the Convention in order to replace the substitute decision-making regime with supported decision-making for persons with all types of disabilities.

Access to justice (art. 13)

19. Please provide more information on procedural accommodations available to persons with disabilities, especially those with sensory, psychosocial or intellectual disabilities, in criminal, civil and administrative proceedings. Please explain any awareness-raising programmes for judges, lawyers, court personnel and law enforcement personnel, police and other public servants regarding the rights to access to justice for persons with disabilities.

Liberty and security of the person (art. 14)

20. Please provide information on the number of persons with disabilities deprived of their liberty, and the reasons and legal basis therefor. Please provide information on the reasonable accommodation provided to persons with disabilities who are deprived of their liberty.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

21. Please provide information on the number of cases in which persons with disabilities submitted complaints about allegations of torture or cruel, inhuman or degrading treatment to the authorities (para. 89), and the outcomes of those complaints.

Freedom from exploitation, violence and abuse (art. 16)

22. Please indicate the legislative, administrative, judicial and other measures that are in place to prevent exploitation, violence and abuse against persons with disabilities.

23. Please provide information about the measures taken to implement article 16 (3) of the Convention, particularly with regard to persons with disabilities who are still institutionalized.

Living independently and being included in the community (art. 19)

24 Please provide information on the measures taken to increase the capacity of public authorities at all levels to embrace the concept of living independently and, in turn, empower persons with disabilities to live independently and be included in society.

25. Please indicate any plans for the development of support services in the local community for persons with disabilities to exercise their right to independent living and to be included in the community.

26. Please explain whether persons with disabilities can freely choose personal assistants (para. 52).

Freedom of expression and opinion, and access to information (art. 21)

27. Please provide information on how many public websites are accessible in accordance with the standards of the Web Accessibility Initiative, which the State party adheres to. Please clarify the legal status of sign language in the State party.

Education (art. 24)

28. Please provide updated information on the funds invested in the provision of individualized support and reasonable accommodation in mainstream schools to students with disabilities in order to enable them to enjoy their right to quality inclusive education in accordance with the Convention.

Health (art. 25)

29. Considering targets 3.7, 3.8 and 5.6 of the Sustainable Development Goals, please provide information on the measures taken to ensure that health care is accessible to persons with disabilities, particularly women, including in relation to sexual and reproductive health and rights. Please indicate any measures to ensure the training of health-care professionals on the rights of persons with disabilities.

Work and employment (art. 27)

30. Please provide information on the implementation of the employment quota (paras. 168–169). Please provide updated information on the incentives and the support that employers receive who employ workers with disabilities, in accordance with the Convention and in support of target 8.5 of the Sustainable Development Goals.

Adequate standard of living and social protection (art. 28)

31. Please provide information on any plans to change the assessment procedure (para. 179) in order to embrace the human rights model of disability enshrined in the Convention.

32. Please provide recent disaggregated data, in accordance with article 31 of the Convention, and information on the trends concerning the level of poverty of persons with disabilities in the State party.

Participation in political and public life (art. 29)

33. Please provide information on the measures taken to amend or repeal provisions in national laws, including article 46 (1) of the Civil Code and laws relating to elections and political parties, that are discriminatory to persons with disabilities. Please indicate the measures taken to make the voting process fully accessible, thus enabling all adult persons with disabilities to vote and be elected.

Participation in cultural life, recreation, leisure and sport (art. 30)

34. Please provide updated information on the status of ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

International cooperation (art. 32)

35. Please provide information on how disability is mainstreamed in international cooperation programmes and projects, especially in the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. Please indicate how organizations of persons with disabilities have been meaningfully included.

National implementation and monitoring (art. 33)

36. Please provide updated information on the current status of the national monitoring mechanism in accordance with the provisions of article 33 (2) of the Convention, including whether it is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and how organizations of persons with disabilities have been meaningfully involved in the process of national monitoring.